



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED: April 20, 2015

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission
Subject: State-Licensed Commercial Fishing (FO-243.15)
FOR ACTION

Authority

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to provide for better protection and preservation of fish, game and birds.

Discussion and Background

The attached amendment to Fisheries Order 243 addresses an administrative issue impacting management of the state-licensed commercial fishery. Beginning in 2015, Fisheries Division will be exploring the potential for a new commercial fishing opportunity for whitefish in southern Lake Huron. The grounds where the potential fishery is to be conducted have not been fished in over 50 years so limited data currently exists with which to base potential licensing decisions. In conducting the necessary research into the potential sustainability and profitability of the new fishing grounds, the division proposes to utilize a series of annual commercial fishing research permits. During this research, permits will be used to contract with a commercial fisher or fishers to collect biological data, explore the authorized fishing grounds, validate the social acceptance of commercial netting operations in new areas, and develop individualized restrictions to be incorporated into potential future licenses. If the research indicates that a viable commercial fishing opportunity exists, permanent licenses can be developed and permitting discontinued. This approach to researching and establishing new commercial fishing grounds has been successfully utilized multiple times in the past several decades.

The primary objective of exploring commercial fishing opportunities in southern Lake Huron is to improve the fishery by reducing congestion and conflict in Saginaw Bay through removing a substantial amount of commercial fishing gear from the bay in favor of utilizing a more efficient gear in the research fishing grounds. Additionally, the commercial fishing gear scheduled for removal from Saginaw Bay targets yellow perch, whereas in the new areas to be evaluated by the permit, the gear will primarily harvest whitefish. Because yellow perch are more popular than whitefish with recreational anglers, the potential of a new fishery in southern Lake Huron could also improve recreational fishing opportunities in Saginaw Bay by reducing conflict between commercial fishers and recreational anglers.

The DNR's Legislative and Legal Affairs Office has recommended that Fisheries Division clear up ambiguities in the authorizing legislation, MCL 324.47315, using the authority provided to the Director under MCL 324.46701. This order is necessary to clarify commercial fishing law for the better protection, preservation, maintenance, and harvesting of the fish.

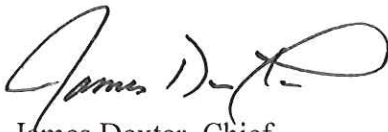
April 20, 2015

Fisheries Division discussed this proposed change with Law Enforcement Division staff, who are in concurrence with the recommendations.

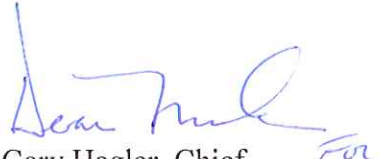
Under the authority of Section 46702 of 1994 PA 451, as amended, MCL 324.46702, this order takes effect 30 days from and after the date of its issuance. The item will appear on the Department's May 2015 calendar.

Recommendation

It is our recommendation to modify and utilize FO-243 to clarify commercial fishing law for the better protection, preservation, maintenance, and harvesting of the fish.



James Dexter, Chief
Fisheries Division



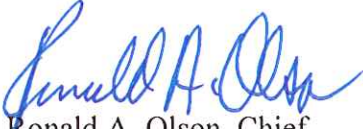
Gary Hagler, Chief *For*
Law Enforcement Division



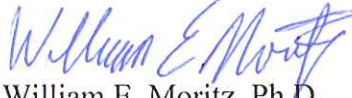
Russ Mason, Ph.D., Chief
Wildlife Division



Bill O'Neill, Chief *for*
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



William E. Moritz, Ph.D.
Natural Resources Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.

Keith Creagh, Director

Date

ORDER

STATE-LICENSED COMMERCIAL FISHING

Under the authority of Sections 46701 of 1994 PA 451, as amended, MCL 324.46701, the Director of the Department of Natural Resources on May 7, 2015, ordered that the following state-licensed commercial fishing regulations apply:

1. State-licensed commercial trap net fishing is permitted in water depths of up to 150 feet in Lakes Huron, Michigan, and Superior under licenses issued by the Director.
2. The commercial harvest of chubs (*Coregonus hoyi*) is permitted in Lake Michigan north of Grand Haven under licenses issued by the Director.
3. Lake Erie is designated as rough fish grounds for commercial fishing as defined in MCL 234.47309(g).
4. The commercial harvest of Lake whitefish (*Coregonus clupeaformis*), 17 inches in length and greater, caught in Lake Erie in legally set trap nets, is permitted under licenses issued by the Director.
5. The department or its properly permitted designee may take fish in any manner, in any of the waters mentioned in this part, at any and all seasons of the year, for the purpose of fish culture or scientific investigation; may have and hold ripe and unripe fish for scientific investigation or in order to take spawn from the fish; and may sell or direct to be sold all of those ripe and unripe fish. A permitted designee of the department shall comply with the conditions established in the permit.

This order modifies conditions as set forth in MCL 324.47309 (h and i) and MCL 324.47315 of 1994, PA 451, Administrative Rule R 299.1074(b, c, and e) and Administrative Rule R 299.1075(3).

This Order shall be assigned number FO-243.15, and is entitled "State-Licensed Commercial Fishing."

This Order supersedes the Orders entitled "State-Licensed Commercial Fishing," effective August 8, 2010, and February 9, 2012, and assigned number FO-243.10A and FO-243.12, respectively.

Per MCL 324.46702, this Order shall take effect 30 days after being issued. This Order shall remain in effect until this order is amended/rescinded.

Issued on the 7 day of May, 2015.

Keith Creagh
Director